

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JANICE M. MCMANN, Individually and as
Personal Representative of the heirs and estate
of DALE E. MCMANN,

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No. 3:16-cv-05635 RBL

DECLARATION OF ALLEN ERAUT IN
SUPPORT OF DEFENDANT WARREN
PUMPS, LLC'S MOTION FOR
SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

I, Allen Eraut, declare and state as follows:

1. I am over the age of 18 years and am competent to testify as to the matters below.
2. I am an attorney representing Warren Pumps, LLC in this matter and make this Declaration in support of Defendant Warren Pumps, LLC's Motion for Summary Judgment.
3. Attached as Exhibit A is a true and accurate copy of *McMann v. Air & Liquid Systems Corporation, et al.* King County Superior Court Case No. 14-2-01912-2 SEA, which was originally filed on January 21, 2014.
4. Attached as Exhibit B is a true and accurate copy of Defendant CBS Corporation's Notice

1 of Removal from State Court Under 28 USC §§ 1331, 1442 (A)(1) and 1446 filed February
2 26, 2014 in *McMann v. Air & Liquid Systems Corporation* U.S. District Court Case No.
3 2:14-cv-00281 [ECF 1].

4 5. Attached as Exhibit C is a true and accurate copy of Plaintiffs' Motion to Remand filed
5 March 28, 2014 in *McMann v. Air & Liquid Systems Corporation* U.S. District Court Case
6 No. 2:14-cv-00281 [ECF 37].

7 6. Attached as Exhibit D is a true and accurate copy of the Court's Order Denying Plaintiffs'
8 Motion to Remand in *McMann v. Air & Liquid Systems Corporation* U.S. District Court
9 Case No. 2:14-cv-00281 [ECF 56].

10 7. Attached as Exhibit E is a true and accurate copy of relevant excerpts from Volume 1 of
11 the videotaped deposition of Dale McMann dated May 28, 2014.

12 8. Attached as Exhibit F is a true and accurate copy of relevant excerpts from Volume 3 of
13 the videotaped deposition of Dale McMann dated August 19, 2014.

14 9. Attached as Exhibit G is a true and accurate copy of the expert report of Rear Admiral
15 David P. Sargent.

16 10. Attached as Exhibit H is a true and accurate copy of the Affidavit of Roland Doktor filed
17 in Support of Defendant Warren Pumps, LLC's Second Motion for Summary Judgment in
18 *McMann v. Air & Liquid Systems Corporation* U.S. District Court Case No. 2:14-cv-00281
19 [ECF 175-4]

20 11. Attached as Exhibit I is a true and accurate copy of the expert report of Samuel A. Forman,
21 M.D.

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1 I declare under penalty of perjury of the laws of the State of Washington that the foregoing is
2 true and correct.

3 Dated this 9th day of January, 2018.

4 RIZZO MATTINGLY BOSWORTH PC

5
6 By: s/Allen Eraut
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9 Rizzo Mattingly Bosworth PC
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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JANICE MCMANN, Individually and as
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E. MCMANN,

Plaintiffs

v.

AIR & LIQUID SYSTEMS CORPORATION,
et al.

Defendants.

CASE NO. 3:16-cv-05635-RBL

**DECLARATION OF DELIVERY
AND/OR MAILING**

I am employed by the law firm of Rizzo Mattingly Bosworth PC in Portland, Oregon. I am over the age of eighteen years and not a party to the subject cause. My business address is 1300 SW Sixth Avenue, Ste. 330, Portland, Oregon 97201.

On the date below, I caused to be served on all parties in this action by transmitting a true copy thereof **DECLARATION OF ALLEN ERAUT IN SUPPORT OF DEFENDANT WARREN PUMPS LLC'S MOTION FOR SUMMARY JUDGMENT** in the following manner unless otherwise indicated.

VIA ECF

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14 *Attorneys for Defendant SB Decking, Inc.*

15 I declare under penalty of perjury and under the laws of the State of Washington (RCW
16 9A.72.085) that the foregoing is true and correct.

17 Executed at Portland, Oregon, this 9th day of January, 2018.

18 s/Shannon Boyd
19 Shannon Boyd
20 Paralegal
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